

REMARKS

In response to the Restriction Requirement imposed by the Examiner in the above-referenced Office Action, Applicant elected Group I drawn to compounds of Formula (I) and its pharmaceutical composition according to claims 1-19. Claims 13-19 are withdrawn from consideration at this time. Nevertheless, claims 14, 15 and 16 are amended herein per Examiner's request to correct certain typographic errors. Applicants expressly reserve the right to rejoin "method of use" claims for examination for patentability if a product claim is found to be allowable.

The Examiner indicated that there was no Information Disclosure Statement filed with this application as of the date of the above-identified Office Action. Applicants submitted an Information Disclosure Statement to the USPTO on June 14, 2005.

Claim Rejections

The Examiner rejected Claims 1-12 under 35 U.S.C. 102(a) as being anticipated by German Patent Application DE10142734 A1, published March 27, 2003. The Examiner further indicated however that this rejection may be overcome by providing an English language translation of the priority document demonstrating that the present invention pre-dated the publication of German Patent Application DE10142734. Applicants are submitting said translation with this response.

The Examiner rejected Claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of the instant application under the judicially created doctrine of obviousness-type double patenting as being unpatentable over co-pending US Application No. 10/789,281. Applicants submit herewith a terminal disclaimer to overcome the obviousness-type double patenting rejection.

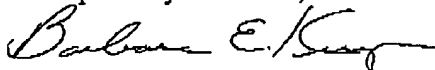
Claim Objections

The Examiner objected to Claim 2 (page 53, line 9) because it contains a typographic error. "R" has been corrected to recite "R2" per the Examiner's request.

Conclusions

In view of the amendment and remarks contained herein, Applicants submit the application is in condition for allowance.

Respectfully submitted,



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